

REMARKS/ARGUMENTS**I. Introduction**

This amendment is in response to the Office Action dated January 2, 2004. Claims 1, 3-6, 18, 20-23, 35 and 37-40 have been canceled. Claims 2, 7, 13, 15, 19, 24, 30, 32, 36, 41, 47, and 49 have been rewritten in independent form including elements of the claims from which they previously depended. Accordingly, claims 2, 7-17, 19, 24-34, 36 and 41-51 are now pending.

In the Office Action the Examiner objected to the Abstract for being more than 150 words in length. In addition, the Examiner objected to page 1 of the application for failing to provide the serial number of a referenced patent application. Applicants have amended the abstract and the first page of the application to address and overcome each of the Examiner's objections.

In addition to objecting to the Specification, the Examiner indicated that claims 1, 3-6, 18, 20-23, 35, 37-40 were being rejected as being unpatentable in view of Baum et al. (U.S. Patent No. 5,867,478). These claims have been canceled making their rejection moot.

The Examiner also rejected claims 2, 19 and 36 under 35 U.S.C. §103(a) as being obvious over Baum et al (US 5,867,478) in view of Kumar et al further in view of Laroia et al. (US 6,473,418). As will be discussed below, the Kumar et al. and Laroia et al. patents are not available as references to be applied against the pending claims since they had the same owner of the present application at the time the invention was made.

Accordingly, by providing the statement of common ownership, the rejection of claims 2, 19 and 36 has been overcome.

The Examiner's objections have been addressed by the amendments made herein. The Examiner's rejections will now be addressed in detail.

II. Statement of Common Ownership

The undersigned attorney of record hereby states:

The present patent application, S.N. 09/551,791, and U.S. Patent. No. 6,473,418 to Laroia et al. and Published US Application 2001/0043578 to Kumar et al which issued as U.S. Patent 6,507,568 were, at the time the invention of Application 09/551,791 was made, owned by Lucent Technologies, Inc., or subject to an obligation to assign to Lucent Technologies, Inc.

III. Claims 2, 19 and 36 are patentable.

Claims 2, 19 and 36 were rejected under 35 U.S.C. 103(a) as being obvious over Baum et al (US 5,867,478) in view of Kumar et al (US 2001/0043578) further in view of Laroia et al. (US 6,473,418).

In view of the above statement of common ownership provided on a separate sheet of paper in a conspicuous manner in accordance with 706.02(I)(3) the Laroia et al. and Kumar et al references are not available as prior art against the present application since the inventors were under an obligation to assign to the common assignee at the time the invention was made. Accordingly, the rejections based on these references should be withdrawn.

Applicants note that a review of the Assignment records will show a transfer of ownership of the present application to Flarion Technologies, Inc. after the original application was filed. This transfer explains why Lucent Technologies, Inc is not listed as the current assignee.

IV. Conclusion

In view of the above amendments and remarks, it is respectfully submitted that that the pending claims are patentable and that the Application is in condition for allowance.

In the event that there are any outstanding issues which need to be resolved before the Examiner can allow the present application, it is requested that the Examiner call

Applicant's undersigned representative to discuss said issues.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

Michael P. Straub	(Reg. No. 36,941)
Type or print name of person signing certification	
<u>Michael P. Straub</u>	<u>4/2/04</u>
Signature	Date